



IOWA ADMINISTRATIVE BULLETIN

Published Biweekly

VOLUME XXIX

January 17, 2007

NUMBER 15

Pages 965 to 988

CONTENTS IN THIS ISSUE

Pages 975 to 987 include **ARC 5655B** to **ARC 5671B**

AGENDA

Administrative rules review committee 969

ALL AGENCIES

Schedule for rule making 967

Subscription information 968

Agency identification numbers 973

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

Notice, Entrepreneurial ventures assistance
program, 60.2, 60.3(3) **ARC 5662B** 975

Notice, Renewable fuel infrastructure program
administration—length of contract, waivers,
314.5 **ARC 5671B** 975

Filed Emergency, Renewable fuel infrastructure
program administration—length of contract,
waivers, 314.5 **ARC 5663B** 983

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Notice, Chronological listing of campaign
contributors, 4.14(1), 4.17(1) **ARC 5664B** 975

HUMAN SERVICES DEPARTMENT[441]

Notice, Early ACCESS program—change in interval
of face-to-face meetings between service
coordinator and family, 78.49(2) **ARC 5665B** . . . 976

Notice, HAWK-I—health insurance data match
program, 86.18 **ARC 5661B** 977

Notice, Child welfare case plan, 130.7(3)
ARC 5666B 977

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]“umbrella”

Notice, Multiple employer welfare arrangements—
independent contractors, 77.12 **ARC 5668B** 978

Filed Emergency After Notice, Preferred mortality
tables for use in determining minimum reserve
liabilities, ch 94 **ARC 5667B** 983

IOWA FINANCE AUTHORITY[265]

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]“umbrella”

Filed Emergency, Wastewater treatment and financial
assistance program, 28.2 **ARC 5670B** 985

MEDICAL EXAMINERS BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Filed, Specialty board certification and
recertification, 9.1, 10.1, 11.1, 11.2(2)
ARC 5659B 986

Filed, Internet-based version of test of English
proficiency, 10.4(3), 17.4(1) **ARC 5658B** 986

Filed, Ground for discipline—failure to complete
fingerprint process, 23.1(37) **ARC 5657B** 986

PUBLIC HEARINGS

Summarized list 971

PUBLIC SAFETY DEPARTMENT[661]

Filed, Flammable and combustible liquids,
51.200, 51.202(1) **ARC 5669B** 987

REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Professional Licensing and Regulation Bureau[193]

COMMERCE DEPARTMENT[181]“umbrella”

Notice, Licensure, amendments to chs 1,
10 to 12 **ARC 5660B** 979

TRANSPORTATION DEPARTMENT[761]

Notice, Regulations applicable to carriers,
520.1(1) **ARC 5655B** 980

Notice, Rail assistance program; railroad revolving
loan fund, rescind chs 830, 831 **ARC 5656B** 981

TREASURER OF STATE

Notice—Public funds interest rates 982

PREFACE

The Iowa Administrative Bulletin is published biweekly in pamphlet form pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; workers' compensation rate filings [515A.6(7)]; usury rates [535.2(3)“a”]; agricultural credit corporation maximum loan rates [535.12]; and regional banking—notice of application and hearing [524.1905(2)].

PLEASE NOTE: *Italics* indicate new material added to existing rules; ~~strike-through letters~~ indicate deleted material.

KATHLEEN K. WEST, Administrative Code Editor
STEPHANIE A. HOFF, Deputy Editor

Telephone: (515)281-3355
(515)281-8157
Fax: (515)281-5534

Schedule for Rule Making 2007

NOTICE SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Dec. 27 '06	Jan. 17 '07	Feb. 6 '07	Feb. 21 '07	Feb. 23 '07	Mar. 14 '07	Apr. 18 '07	July 16 '07
Jan. 12	Jan. 31	Feb. 20	Mar. 7	Mar. 9	Mar. 28	May 2	July 30
Jan. 26	Feb. 14	Mar. 6	Mar. 21	Mar. 23	Apr. 11	May 16	Aug. 13
Feb. 9	Feb. 28	Mar. 20	Apr. 4	Apr. 6	Apr. 25	May 30	Aug. 27
Feb. 23	Mar. 14	Apr. 3	Apr. 18	Apr. 20	May 9	June 13	Sept. 10
Mar. 9	Mar. 28	Apr. 17	May 2	May 4	May 23	June 27	Sept. 24
Mar. 23	Apr. 11	May 1	May 16	***May 16***	June 6	July 11	Oct. 8
Apr. 6	Apr. 25	May 15	May 30	June 1	June 20	July 25	Oct. 22
Apr. 20	May 9	May 29	June 13	June 15	July 4	Aug. 8	Nov. 5
May 4	May 23	June 12	June 27	***June 27***	July 18	Aug. 22	Nov. 19
May 16	June 6	June 26	July 11	July 13	Aug. 1	Sept. 5	Dec. 3
June 1	June 20	July 10	July 25	July 27	Aug. 15	Sept. 19	Dec. 17
June 15	July 4	July 24	Aug. 8	Aug. 10	Aug. 29	Oct. 3	Dec. 31
June 27	July 18	Aug. 7	Aug. 22	***Aug. 22***	Sept. 12	Oct. 17	Jan. 14 '08
July 13	Aug. 1	Aug. 21	Sept. 5	Sept. 7	Sept. 26	Oct. 31	Jan. 28 '08
July 27	Aug. 15	Sept. 4	Sept. 19	Sept. 21	Oct. 10	Nov. 14	Feb. 11 '08
Aug. 10	Aug. 29	Sept. 18	Oct. 3	Oct. 5	Oct. 24	Nov. 28	Feb. 25 '08
Aug. 22	Sept. 12	Oct. 2	Oct. 17	Oct. 19	Nov. 7	Dec. 12	Mar. 10 '08
Sept. 7	Sept. 26	Oct. 16	Oct. 31	Nov. 2	Nov. 21	Dec. 26	Mar. 24 '08
Sept. 21	Oct. 10	Oct. 30	Nov. 14	***Nov. 14***	Dec. 5	Jan. 9 '08	Apr. 7 '08
Oct. 5	Oct. 24	Nov. 13	Nov. 28	Nov. 30	Dec. 19	Jan. 23 '08	Apr. 21 '08
Oct. 19	Nov. 7	Nov. 27	Dec. 12	***Dec. 12***	Jan. 2 '08	Feb. 6 '08	May 5 '08
Nov. 2	Nov. 21	Dec. 11	Dec. 26	***Dec. 26***	Jan. 16 '08	Feb. 20 '08	May 19 '08
Nov. 14	Dec. 5	Dec. 25	Jan. 9 '08	Jan. 11 '08	Jan. 30 '08	Mar. 5 '08	June 2 '08
Nov. 30	Dec. 19	Jan. 8 '08	Jan. 23 '08	Jan. 25 '08	Feb. 13 '08	Mar. 19 '08	June 16 '08
Dec. 12	Jan. 2 '08	Jan. 22 '08	Feb. 6 '08	Feb. 8 '08	Feb. 27 '08	Apr. 2 '08	June 30 '08
Dec. 26	Jan. 16 '08	Feb. 5 '08	Feb. 20 '08	Feb. 22 '08	Mar. 12 '08	Apr. 16 '08	July 14 '08

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
17	Friday, January 26, 2007	February 14, 2007
18	Friday, February 9, 2007	February 28, 2007
19	Friday, February 23, 2007	March 14, 2007

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

*****Note change of filing deadline*****

SUBSCRIPTION INFORMATION

Iowa Administrative Code

The Iowa Administrative Code and Supplements are sold in complete sets by subscription. Supplement (replacement pages) subscriptions must be for the complete year and will expire on June 30 of each year. Prices for the Iowa Administrative Code and its Supplements are as follows:

Iowa Administrative Code – \$1,520

(Price includes complete set of rules and index, plus a one-year subscription to the Code Supplement and the Iowa Administrative Bulletin. Additional or replacement binders may be purchased for \$20.)

Iowa Administrative Code Supplement – \$510

Iowa Administrative Bulletin

The Iowa Administrative Bulletin is sold as a separate publication and may be purchased by subscription or single copy. All subscriptions will expire on June 30 of each year. Subscriptions must be paid in advance and are prorated quarterly.

July 1, 2006, to June 30, 2007	\$328
October 1, 2006, to June 30, 2007	\$246
January 1, 2007, to June 30, 2007	\$164
April 1, 2007, to June 30, 2007	\$ 82

Single copies may be purchased for \$23.

All checks should be made payable to the Treasurer, State of Iowa, and mailed to:

Attn: Nicole Navara
Legislative Services Agency
Miller Building
Des Moines, IA 50319
Telephone: (515)281-6766

IOWA LAW, IOWA ADMINISTRATIVE RULES and IOWA COURT RULES on CD-ROM

For free brochures and order forms for 2006 IOWA LAW CD-ROM, contact Nicole Navara at the above address or at nicole.navara@legis.state.ia.us.

The Administrative Rules Review Committee will hold a special meeting on Friday, February 2, 2007, at 8 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

NOTE: See also Supplemental Agenda to be published in the January 31, 2007, Iowa Administrative Bulletin.

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

Entrepreneurial ventures assistance program, 60.2, 60.3(3), Notice **ARC 5662B** 1/17/07
Renewable fuel infrastructure program contract administration—duration of agreement;
repayment or board waiver, 314.5, Notice **ARC 5671B**, also Filed Emergency **ARC 5663B** 1/17/07

EDUCATION DEPARTMENT[281]

Early ACCESS—definition of “parent,” transmittal of education records
without parental consent, 120.4, 120.59, Notice **ARC 5632B** 1/3/07

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]“umbrella”

Tax exemption for property used to process waste glass products, 11.6(1), 11.6(3)“b”(5),
11.6(3)“e,” Filed **ARC 5635B** 1/3/07
Public water supply systems—fees, 43.3(3)“c”(3) and (4), Filed **ARC 5637B** 1/3/07
Sanitary sewer extension construction permits, 64.2(10), Notice **ARC 5638B** 1/3/07
Limitation on land application of manure, process wastewater or settled
open feedlot effluent, 65.17(18)“c,” 65.17(20), 65.112(8)“a”(2),
65.112(11), Notice **ARC 5636B** 1/3/07
Land application of sewage sludge, 67.1(1), 67.6(1), 67.7(1)“a,” 67.8(1)“a,”
67.8(2)“b,” Notice **ARC 5639B** 1/3/07
Certification of public water supply and wastewater treatment systems operators
81.7(3)“a,” Notice **ARC 5630B** 1/3/07
Sanitary landfill financial assurance, 103.3, 104.26, 105.14, 106.18, 112.31, 114.31,
115.31, 118.16, 120.13, 121.8, 122.8, 122.28, 122.29, 123.12, Notice **ARC 5633B** 1/3/07
Discarded appliance demanufacturing, ch 118, Filed **ARC 5634B** 1/3/07

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Disclosure of campaign contributors, 4.14(1), 4.17(1), Notice **ARC 5664B** 1/17/07

HUMAN SERVICES DEPARTMENT[441]

Annual adjustments to eligibility and payment levels for
state supplementary assistance program, 51.4(1), 51.7,
52.1(1) to 52.1(3), 52.1(3)“a”(2), Notice **ARC 5645B**, also Filed Emergency **ARC 5646B** 1/3/07
Medicaid for independent young adults, 75.1(42), 75.57(7)“ai,” Filed **ARC 5647B** 1/3/07
Estate recovery, 76.12(7), Filed **ARC 5648B** 1/3/07
Home- and community-based habilitation services, 77.25, 78.27, 79.1(2), 79.1(24),
Notice **ARC 5649B**, also Filed Emergency **ARC 5650B** 1/3/07
Infant and toddler program—face-to-face meetings, 78.49(2)“b” and “c,” Notice **ARC 5665B** 1/17/07
HAWK-I—health insurance data match program, 86.18, Notice **ARC 5661B** 1/17/07
Child welfare case plan, 130.7(3), Notice **ARC 5666B** 1/17/07
Child welfare—remedial services, 156.1, 156.6(4)“a,” “d” to “f” and “h,” 156.7(3),
156.8(7), 156.8(7)“a” to “c,” 156.9(1), 156.9(2), 156.10(1), 156.19, 156.20(1)“a”(2),
156.20(2), 182.2(1)“a”(6) and (7), 182.2(5)“c,” 182.4(7), 185.2(6), ch 185 div IV,
201.5(9), 202.2(2), 202.4(5)“f,” 204.4(2)“a”(1) and (2), Filed Emergency After Notice **ARC 5651B** 1/3/07
Dependent adult abuse reports—granting extensions of time, access to information,
176.6(5), 176.10(3), Filed **ARC 5653B** 1/3/07

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]“umbrella”

Iowa employer-sponsored health benefit plans—provision of benefits to independent contractors,
77.12, Notice **ARC 5668B** 1/17/07
Preferred mortality tables for use in determining minimum reserve liabilities, ch 94,
Filed Emergency After Notice **ARC 5667B** 1/17/07

IOWA FINANCE AUTHORITY[265]

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]“umbrella”

Wastewater treatment financial assistance program—definition of “community,”
28.2, Filed Emergency **ARC 5670B** 1/17/07

LABOR SERVICES DIVISION[875]

WORKFORCE DEVELOPMENT DEPARTMENT[871]"umbrella"

Amusement rides and devices—safety, ch 61 title, 61.1(1), ch 62 title,

62.2(9), Filed **ARC 5654B** 1/3/07**MEDICAL EXAMINERS BOARD[653]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Service charge for on-line services; convenience fee, 8.1, 8.4(1)"c," 8.9"1," 9.1,

9.11(3)"a," 10.1, 11.1, 17.3, Notice **ARC 5631B** 1/3/07Specialty board certification, 9.1, 10.1, 11.1, 11.2(2), Filed **ARC 5659B** 1/17/07

Passing score for Internet-based test of English proficiency,

10.4(3)"a"(4), 17.4(1)"c"(2), Filed **ARC 5658B** 1/17/07Mandatory reporting, 22.2, 22.4, Notice **ARC 5628B** 1/3/07

Grounds for discipline—failure to submit additional fingerprint

card and fee, 23.1(37), Filed **ARC 5657B** 1/17/07Grounds for discipline—voluntary agreements, 23.1(37), Notice **ARC 5629B** 1/3/07**PROFESSIONAL LICENSURE DIVISION[645]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Continuing education for massage therapists, ch 133, Notice **ARC 5627B** 1/3/07**PUBLIC SAFETY DEPARTMENT[661]**

Flammable and combustible liquids—stationary storage, deadline for usage of

dispensing equipment, 51.200, 51.202(1), Filed **ARC 5669B** 1/17/07**REAL ESTATE APPRAISER EXAMINING BOARD[193F]**

Professional Licensing and Regulation Bureau[193]

COMMERCE DEPARTMENT[181]"umbrella"

Address correction, forms, continuing education, reinstatement fee, 1.1(2), 1.6(1),

10.2(2), 11.2(5), 11.2(9), 12.1, Notice **ARC 5660B** 1/17/07**REVENUE DEPARTMENT[701]**Interest rate for calendar year 2007, 10.2(26), Filed **ARC 5643B** 1/3/07

Individual income, withholding, corporation income and franchise tax,

39.1(7), 39.2(4), 39.4(7), 39.5(10)"b"(3), 39.5(11)"a"(3), 39.6(3)"a"(3),

40.3"24" and "25," 40.38(8), 40.38(13), 42.1, 42.2(6), 42.2(11)"c,"

42.11(2), 42.12, 42.13(2), 42.14(2), 42.15(6), 42.20, 43.4(6) to 43.4(9),

46.3(2)"b"(4), 46.10, 48.9(2), 52.15(2), 52.17(2), 52.18(6), 52.23,

58.8(2), 58.13, Filed **ARC 5642B** 1/3/07

Motor fuel; cigarettes and tobacco, 67.1, 67.6, 68.8(14), 68.15, 82.5(2),

82.10(2), 83.1, Filed **ARC 5644B** 1/3/07**STATE PUBLIC DEFENDER[493]**

INSPECTIONS AND APPEALS DEPARTMENT[481]"umbrella"

Claims—indigent defense and juvenile cases, 7.1, 12.1(3), 12.2(1)"a,"

12.2(1)"e"(5), 12.2(6), 12.2(8), 12.3(3), 12.3(4), 12.5, 12.5(2) to 12.5(4),

12.6(1) to 12.6(3), 12.6(3)"c," 13.2(6) to 13.2(8), 13.6, Filed **ARC 5652B** 1/3/07**TRANSPORTATION DEPARTMENT[761]**Annual oversize/overweight permit, 511.5(2), Filed **ARC 5640B** 1/3/07

Federal motor carrier safety regulations and hazardous materials regulations—adoption by reference,

520.1(1)"a" and "b," Notice **ARC 5655B** 1/17/07Rail assistance program; railroad revolving loan fund, rescind chs 830, 831, Notice **ARC 5656B** 1/17/07Public transit infrastructure grant program, ch 924, Filed **ARC 5641B** 1/3/07

AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]		
Entrepreneurial ventures assistance program—eligibility, 60.2, 60.3(3) IAB 1/17/07 ARC 5662B	Main Conference Room, IDED 200 E. Grand Ave. Des Moines, Iowa	February 6, 2007 10 a.m.
Renewable fuel infrastructure program contract administration, 314.5 IAB 1/17/07 ARC 5671B (See also ARC 5663B herein)	Main Conference Room, IDED 200 E. Grand Ave. Des Moines, Iowa	February 6, 2007 4 to 5 p.m.
ENVIRONMENTAL PROTECTION COMMISSION[567]		
Construction permits for sanitary sewer extensions, 64.2(10) IAB 1/3/07 ARC 5638B	Fifth Floor East Conference Rm. Wallace State Office Bldg. Des Moines, Iowa	January 24, 2007 10 a.m.
Liquid manure land application limit, 65.17, 65.112 IAB 1/3/07 ARC 5636B	Coralville Public Library 1401 Fifth St. Coralville, Iowa	February 6, 2007 5 p.m.
	Fifth Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	February 7, 2007 1 p.m.
	Meeting Room Carroll County Courthouse 114 E. 6th St. (Hwy 30) Carroll, Iowa	February 8, 2007 10 a.m.
Land application of sewage sludge, 67.1, 67.6 to 67.8 IAB 1/3/07 ARC 5639B	Fifth Floor East Conference Rm. Wallace State Office Bldg. Des Moines, Iowa	January 24, 2007 10 a.m.
Public water supply and wastewater treatment systems—operator certification, 81.7(3)“a” IAB 1/3/07 ARC 5630B	South Conference Rm. Suite I, DNR Water Supply Office 401 SW 7th St. Des Moines, Iowa	January 24, 2007 10 a.m.
Solid and nonhazardous waste, amend chs 101, 102, 104; rescind chs 111, 113; adopt ch 113 IAB 12/6/06 ARC 5597B	Suite D, DNR Field Office 1 909 West Main St. Manchester, Iowa	January 22, 2007 10 a.m.
	DNR Field Office 4 1401 Sunnyside Lane Atlantic, Iowa	January 24, 2007 10 a.m.
	5th Floor Conference Rooms Wallace State Office Bldg. Des Moines, Iowa	January 26, 2007 10 a.m.
Financial assurance for sanitary landfills, amendments to chs 103 to 106, 112, 114, 115, 118, 120 to 123 IAB 1/3/07 ARC 5633B	Fifth Floor West Conference Rm. Wallace State Office Bldg. Des Moines, Iowa	March 28, 2007 10 a.m. to 12 noon

HUMAN SERVICES DEPARTMENT[441]

Home- and community-based habilitation services, 77.25, 78.27, 79.1 IAB 1/3/07 ARC 5649B	Rooms 130 and 131 Iowa Medicaid Enterprise 100 Army Post Rd. Des Moines, Iowa	January 24, 2007 1:30 to 3 p.m.
----------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------	------------------------------------

INSURANCE DIVISION[191]

Multiple employer welfare arrangements—independent contractors, 77.12 IAB 1/17/07 ARC 5668B	Insurance Division Offices 330 Maple St. Des Moines, Iowa	February 13, 2007 10 a.m.
-------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------	------------------------------

MEDICAL EXAMINERS BOARD[653]

Licensure and fees, amendments to chs 8 to 11, 17 IAB 1/3/07 ARC 5631B	Board Office, Suite C 400 SW 8th St. Des Moines, Iowa	January 23, 2007 3:15 p.m.
Mandatory reporting, 22.2, 22.4 IAB 1/3/07 ARC 5628B	Board Office, Suite C 400 SW 8th St. Des Moines, Iowa	January 23, 2007 3 p.m.
Grounds for discipline, 23.1(37) IAB 1/3/07 ARC 5629B	Board Office, Suite C 400 SW 8th St. Des Moines, Iowa	January 23, 2007 3 p.m.

PROFESSIONAL LICENSURE DIVISION[645]

Continuing education for massage therapists, ch 133 IAB 1/3/07 ARC 5627B	Fifth Floor Board Conf. Rm. Lucas State Office Bldg. Des Moines, Iowa	January 24, 2007 9 to 9:30 a.m.
---------------------------------------------------------------------------------------	-----------------------------------------------------------------------------	------------------------------------

PUBLIC SAFETY DEPARTMENT[661]

Manufactured or mobile home retailers, manufacturers, and distributors, 372.5, 372.9 IAB 12/20/06 ARC 5616B	Fire Marshal Division Conf. Rm. Suite N 401 SW 7th St. Des Moines, Iowa	January 19, 2007 9:30 a.m.
-----------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------	-------------------------------

TRANSPORTATION DEPARTMENT[761]

Motor carrier safety and hazardous materials regulations, 520.1(1) IAB 1/17/07 ARC 5655B	DOT Conference Room Park Fair Mall Des Moines, Iowa	February 8, 2007 10 a.m. (If requested)
Rail assistance program; railroad revolving loan fund, rescind chs 830, 831 IAB 1/17/07 ARC 5656B	First Floor South Conference Rm. 800 Lincoln Way Ames, Iowa	February 8, 2007 10 a.m. (If requested)

UTILITIES DIVISION[199]

Filing of line and pole replacement data, 20.18(7), 25.3 IAB 12/20/06 ARC 5612B	Hearing Room 350 Maple St. Des Moines, Iowa	February 7, 2007 10 a.m.
----------------------------------------------------------------------------------------------	---------------------------------------------------	-----------------------------

Due to reorganization of state government by 1986 Iowa Acts, chapter 1245, it was necessary to revise the agency identification numbering system, i.e., the bracketed number following the agency name.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies which were not included in the original reorganization legislation as “umbrella” agencies are included alphabetically in small capitals at the left-hand margin, e.g., BEEF INDUSTRY COUNCIL, IOWA[101].

The following list will be updated as changes occur:

ADMINISTRATIVE SERVICES DEPARTMENT[11]
 AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]
 Agricultural Development Authority[25]
 Soil Conservation Division[27]
 ATTORNEY GENERAL[61]
 AUDITOR OF STATE[81]
 BEEF INDUSTRY COUNCIL, IOWA[101]
 BLIND, DEPARTMENT FOR THE[111]
 CAPITAL INVESTMENT BOARD, IOWA[123]
 CITIZENS’ AIDE[141]
 CIVIL RIGHTS COMMISSION[161]
 COMMERCE DEPARTMENT[181]
 Alcoholic Beverages Division[185]
 Banking Division[187]
 Credit Union Division[189]
 Insurance Division[191]
 Professional Licensing and Regulation Bureau[193]
 Accountancy Examining Board[193A]
 Architectural Examining Board[193B]
 Engineering and Land Surveying Examining Board[193C]
 Landscape Architectural Examining Board[193D]
 Real Estate Commission[193E]
 Real Estate Appraiser Examining Board[193F]
 Interior Design Examining Board[193G]
 Savings and Loan Division[197]
 Utilities Division[199]
 CORRECTIONS DEPARTMENT[201]
 Parole Board[205]
 CULTURAL AFFAIRS DEPARTMENT[221]
 Arts Division[222]
 Historical Division[223]
 ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]
 City Development Board[263]
 Grow Iowa Values Board[264]
 Iowa Finance Authority[265]
 EDUCATION DEPARTMENT[281]
 Educational Examiners Board[282]
 College Student Aid Commission[283]
 Higher Education Loan Authority[284]
 Iowa Advance Funding Authority[285]
 Libraries and Information Services Division[286]
 Public Broadcasting Division[288]
 School Budget Review Committee[289]
 EGG COUNCIL, IOWA[301]
 ELDER AFFAIRS DEPARTMENT[321]
 EMPOWERMENT BOARD, IOWA[349]
 ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]
 EXECUTIVE COUNCIL[361]
 FAIR BOARD[371]
 HUMAN RIGHTS DEPARTMENT[421]
 Community Action Agencies Division[427]
 Criminal and Juvenile Justice Planning Division[428]
 Deaf Services Division[429]
 Persons With Disabilities Division[431]
 Latino Affairs Division[433]
 Status of African-Americans, Division on the[434]
 Status of Women Division[435]
 HUMAN SERVICES DEPARTMENT[441]

INSPECTIONS AND APPEALS DEPARTMENT[481]
 Employment Appeal Board[486]
 Foster Care Review Board[489]
 Racing and Gaming Commission[491]
 State Public Defender[493]
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]
LAW ENFORCEMENT ACADEMY[501]
LIVESTOCK HEALTH ADVISORY COUNCIL[521]
LOTTERY AUTHORITY, IOWA[531]
MANAGEMENT DEPARTMENT[541]
 Appeal Board, State[543]
 City Finance Committee[545]
 County Finance Committee[547]
NATURAL RESOURCES DEPARTMENT[561]
 Energy and Geological Resources Division[565]
 Environmental Protection Commission[567]
 Natural Resource Commission[571]
 Preserves, State Advisory Board for[575]
PETROLEUM UNDERGROUND STORAGE TANK FUND
 BOARD, IOWA COMPREHENSIVE[591]
PREVENTION OF DISABILITIES POLICY COUNCIL[597]
PUBLIC DEFENSE DEPARTMENT[601]
 Homeland Security and Emergency Management Division[605]
 Military Division[611]
PUBLIC EMPLOYMENT RELATIONS BOARD[621]
PUBLIC HEALTH DEPARTMENT[641]
 Professional Licensure Division[645]
 Dental Examiners Board[650]
 Medical Examiners Board[653]
 Nursing Board[655]
 Pharmacy Examiners Board[657]
PUBLIC SAFETY DEPARTMENT[661]
RECORDS COMMISSION[671]
REGENTS BOARD[681]
 Archaeologist[685]
REVENUE DEPARTMENT[701]
SECRETARY OF STATE[721]
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]
TRANSPORTATION DEPARTMENT[761]
 Railway Finance Authority[765]
TREASURER OF STATE[781]
TURKEY MARKETING COUNCIL, IOWA[787]
UNIFORM STATE LAWS COMMISSION[791]
VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]
VETERINARY MEDICINE BOARD[811]
VOLUNTEER SERVICE, IOWA COMMISSION ON[817]
VOTER REGISTRATION COMMISSION[821]
WORKFORCE DEVELOPMENT DEPARTMENT[871]
 Labor Services Division[875]
 Workers' Compensation Division[876]
 Workforce Development Board and
 Workforce Development Center Administration Division[877]

ARC 5662B**ECONOMIC DEVELOPMENT, IOWA
DEPARTMENT OF[261]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 15.104 and 15.106, the Iowa Department of Economic Development hereby gives Notice of Intended Action to amend Chapter 60, “Entrepreneurial Ventures Assistance Program,” Iowa Administrative Code.

The proposed amendments clarify the process for qualifying as an eligible Entrepreneurial Ventures Assistance Program applicant and expand the list of resources available for assisting applicants with meeting eligibility requirements.

Public comments concerning the proposed amendments will be accepted until 4:30 p.m. on February 6, 2007. Interested persons may submit written or oral comments by contacting Laura Stein, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309; telephone (515)242-4922.

A public hearing to receive comments about the proposed amendments will be held at 10 a.m. on February 6, 2007, in the IDED main conference room at the above address.

These amendments are intended to implement Iowa Code sections 15.338 and 15.339.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule **261—60.2(15)** as follows:

Amend the definition of “eligible applicant” as follows:

“Eligible applicant” means an individual ~~who is participating in or has successfully completed a recognized entrepreneurial venture development curriculum, or a business whose principal participants have successfully completed a recognized entrepreneurial venture development program that has consulted with and obtained a letter of endorsement from an IDED-approved business accelerator or from another IDED-recognized entrepreneurial development organization.~~

Rescind the definition of “recognized entrepreneurial venture development curriculum.”

ITEM 2. Amend subrule 60.3(3) as follows:

60.3(3) In order to be eligible for assistance, the business owner or owners (or appropriate individual(s) in a limited liability company, limited liability partnership or corporation) must provide evidence that they are currently participating in, or have successfully completed, a recognized entrepreneurial venture development curriculum. ~~In order to satisfy this requirement, the individuals can provide evidence of substantial progress or completion of the curriculum of study at one of the JPEC centers, or its equivalent must consult with and obtain a letter of endorsement from an IDED-approved business accelerator or from another recognized entrepreneurial development organization such as a John~~

Pappajohn Entrepreneurial Center (JPEC), a Small Business Development Center (SBDC), or an equivalent organization recognized by IDED.

ARC 5671B**ECONOMIC DEVELOPMENT, IOWA
DEPARTMENT OF[261]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of 2006 Iowa Acts, chapter 1142, section 34, the Iowa Department of Economic Development hereby gives Notice of Intended Action to amend Chapter 314, “Renewable Fuel Infrastructure Program Administration,” Iowa Administrative Code.

The proposed amendment clarifies contract length requirements and waiver requirements. The IDED Board voted on December 21, 2006, to recommend this amendment.

Public comments concerning the proposed amendment will be accepted until 5 p.m. on February 6, 2007. Interested persons may submit written or oral comments by contacting Melanie Johnson, General Counsel, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309; telephone (515)242-4862.

A public hearing to receive comments about the proposed amendment will be held on February 6, 2007, from 4 to 5 p.m. at the above address in the IDED main conference room. Individuals interested in providing comments at the hearing should contact Melanie Johnson by 4 p.m. on February 5, 2007, to be placed on the hearing agenda.

This amendment was also Adopted and Filed Emergency and is published herein as **ARC 5663B**. The content of that submission is incorporated by reference.

This amendment is intended to implement 2006 Iowa Acts, chapter 1142, sections 28 to 34.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

ARC 5664B**ETHICS AND CAMPAIGN
DISCLOSURE BOARD, IOWA[351]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code Supplement section 68B.32A as amended by 2006 Iowa Acts, chapter 1035,

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351](cont'd)

section 2, the Iowa Ethics and Campaign Disclosure Board hereby gives Notice of Intended Action to amend Chapter 4, "Campaign Disclosure Procedures," Iowa Administrative Code.

The proposed amendments require campaign committees to disclose on campaign reports the names of campaign contributors in chronological order based on the date on which the contributors' monetary or in-kind contributions were received. The current rules permit the disclosure of campaign contributors in either chronological order or alphabetical order.

The proposed amendments do not contain a waiver provision, but the Board will consider waivers pursuant to 351—Chapter 15.

Any interested party may make written or oral comments on the proposed amendments on or before February 6, 2007. Comments should be directed to Charlie Smithson, Iowa Ethics and Campaign Disclosure Board, 510 E. 12th Street, Suite 1A, Des Moines, Iowa 50319. Persons who wish to comment orally should contact Charlie Smithson at (515) 281-3489.

These amendments are intended to implement Iowa Code sections 68A.201 and 68A.402A(1).

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend subrule 4.14(1) as follows:

4.14(1) Reporting of all monetary receipts; chronological or alphabetical listings *listing*. The committee shall report the amounts of all monetary receipts which are accepted by the committee during the reporting period. If a contribution is returned to a contributor prior to the end of the reporting period and is not deposited into the committee's bank account, the contribution is deemed to have been rejected and shall not be reported. A contribution which is physically received and either deposited into the committee's account or not returned by the end of the reporting period is deemed to have been accepted. The schedule entries shall be listed in either chronological or alphabetical order by name of contributor or the date on which the contribution is received.

ITEM 2. Amend subrule 4.17(1) as follows:

4.17(1) Reporting of all in-kind contributions; chronological or alphabetical listings *listing*. The committee shall report the amounts of all in-kind contributions which are accepted by the committee during the reporting period. The schedule entries shall be listed in either chronological or alphabetical order by name of contributor or the date on which the contribution is received.

ARC 5665B

HUMAN SERVICES
DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 78, "Amount, Duration, and Scope of Medical and Remedial Services," Iowa Administrative Code.

This amendment reduces the requirement for face-to-face meetings between the service coordinator and the family receiving services in the Medicaid infant and toddler (Early ACCESS) program from once a month to once every three months, with a monthly telephone contact required in the other two months of each quarter. A face-to-face contact is required in the first 30 days of service. The Early ACCESS executive committee has approved this change to reduce the time commitment required from families and providers.

This amendment does not provide for waivers in specified situations because it removes a restriction on the persons affected. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendment on or before February 7, 2007. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

This amendment is intended to implement Iowa Code section 249A.4.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Amend subrule **78.49(2)** as follows:

Amend paragraph "**b**" as follows:

b. A minimum of one face-to-face contact per month between the service coordinator and the child and family is required for payment of infant and toddler coordination services:

(1) Within the first 30 days of service;

(2) Every three months thereafter.

Adopt **new** paragraph "**c**" as follows:

c. In months in which there is no face-to-face contact, a telephone contact between the service coordinator and the family is required.

ARC 5661B**HUMAN SERVICES
DEPARTMENT[441]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 514I.5, the Department of Human Services proposes to amend Chapter 86, “Healthy and Well Kids in Iowa (HAWK-I) Program,” Iowa Administrative Code.

This amendment broadens the rule on the health insurance data match program to clarify that it applies to all carriers as defined in Iowa Code section 514C.13, including managed care organizations, self-insured plans, and group health plans subject to regulation by the Iowa Commissioner of Insurance.

The entity that performs data matches on behalf of the Department has existing agreements with many carriers. Those agreements will satisfy the data match requirement for both the Medicaid and HAWK-I programs. For a carrier that does not have an existing agreement, the amendment specifies that the carrier shall enter into an agreement with the HAWK-I program on Form 470-4435, HAWK-I Data Use Agreement.

The Department is required to identify HAWK-I applicants and enrollees who have other health insurance coverage. Children who have other coverage are not eligible for benefits under the HAWK-I program except in specified circumstances.

This amendment does not provide for waivers because state statute requires carriers to participate in the data match program.

Any interested person may make written comments on the proposed amendment on or before February 7, 2007. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

This amendment is intended to implement Iowa Code section 505.25.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendment is proposed.

Rescind rule 441—86.18(514I) and adopt the following **new** rule in lieu thereof:

441—86.18(505) Health insurance data match program. All carriers, as defined in Iowa Code section 514C.13, shall enter into an agreement with the department to provide data necessary to allow the department to comply with the mandate of Iowa Code section 505.25. Each carrier shall either:

1. Enter into and maintain an agreement with the department on Form 470- 4435, HAWK-I Data Use Agreement; or
2. Provide proof of an existing agreement with the department or the department’s designee.

ARC 5666B**HUMAN SERVICES
DEPARTMENT[441]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services proposes to amend Chapter 130, “General Provisions,” Iowa Administrative Code.

This amendment requires that a child welfare case plan be completed in partnership with the family and extends the time frame for completing the Family Case Plan from 45 to 60 days to allow sufficient time to engage the family in the case-planning process. A 60-day time limit for case planning is consistent with federal child welfare requirements. The recommendations from the Child Protective Services Assessment Summary and the safety plan developed by Department staff shall serve as an initial case plan until the full Family Case Plan is completed.

This amendment does not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendment on or before February 7, 2007. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

This amendment is intended to implement Iowa Code section 234.6.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendment is proposed.

Amend rule **441—130.7(234)** as follows:

Rescind subrule 130.7(3) and adopt the following **new** subrule in lieu thereof:

130.7(3) The case plan shall be developed and filed in the case record as follows:

a. In child welfare cases, the case plan shall be developed in partnership with the child, the family, and the caregiver.

(1) The recommendations from the child protective services assessment summary and the safety plan developed with the family shall be considered an initial case plan.

(2) A case plan that meets the requirements of Iowa Code section 232.2 shall be filed within 60 days from the date the child enters foster care or the date the department opens a child welfare service case, whichever occurs first.

b. For all other cases, the case plan shall be developed before services begin unless there is an unanticipated provision of service for the protection and well-being of a client. In that case, the case plan shall be filed within 45 days from the date that services begin.

HUMAN SERVICES DEPARTMENT[441](cont'd)

Amend the implementation clause as follows:

This rule is intended to implement Iowa Code section 234.6 and 1984 Iowa Acts, chapter 1310, section 3.

ARC 5668B**INSURANCE DIVISION[191]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code chapter 507A and section 505.8, the Insurance Division hereby gives Notice of Intended Action to amend Chapter 77, “Multiple Employer Welfare Arrangements,” Iowa Administrative Code.

The amendment to 191—Chapter 77 establishes a mechanism, standards and guidelines to enable Iowa employer-sponsored health benefit plans to provide health benefits to certain independent contractors. The proposed rule specifically provides that a self-insured employer shall not be regarded as a multiple employer welfare arrangement if the self-insured employer complies with the provisions of the proposed rule.

The Insurance Division has adopted a general waiver provision in 191—Chapter 4.

A public hearing will be held at the offices of the Insurance Division at 10 a.m. on February 13, 2007. The Division is located at 330 Maple Street, Des Moines, Iowa 50319. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the new rule.

Any person who intends to be in attendance at the public hearing and who requires special accommodations should contact the Division at (515)281-4450.

Any interested person may make written comments on the proposed new rule on or before February 12, 2007. Written comments may be sent to Kim Cross at the address listed above. Comments may also be submitted via facsimile to (515)281-3059 or by E-mail to kim.cross@iid.state.ia.us.

This amendment is intended to implement Iowa Code section 507A.4.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendment is proposed.

Amend 191—Chapter 77 by adopting the following **new** rule:

191—77.12(507A) Independent contractors.

77.12(1) Waiver. A self-funded, Iowa employer-sponsored health benefit plan under the Federal Employee Retirement Income Security Act of 1974 shall not provide health benefits to independent contractors of the Iowa employer and to spouses and dependents of the independent contractors unless the Iowa employer obtains a waiver from the commissioner.

77.12(2) Application for initial waiver. An employer wishing to obtain a waiver pursuant to this rule shall register with and submit an application to the commissioner. The application shall include the following:

a. The number of employees, spouses and dependents currently in the plan.

b. The number of independent contractors, spouses and dependents estimated to join the plan.

c. The contract with an authorized insurer or an authorized third-party administrator that administers the self-funded health benefit plan.

d. A copy of a representative contract between the employer applicant and the employer applicant’s independent contractors.

e. Current audited financial statements of the employer applicant.

f. An actuarial opinion prepared, signed, and dated by a person who is a member of the American Academy of Actuaries which states that adequate premiums are being charged.

g. A statement from an authorized representative of the employer applicant which certifies that all independent contractors who are eligible for the plan comply with both of the following provisions:

(1) Eligible independent contractors provide services to the employer applicant on an exclusive basis.

(2) Inclusion in the employer applicant’s health benefit plan is incidental to the contractual relationship.

h. A copy of an aggregate stop-loss or excess policy.

i. Any additional information requested by the commissioner.

77.12(3) Authority of the commissioner. The commissioner shall examine the application and supporting documents submitted by the employer applicant and shall have the power to conduct any investigation which the commissioner may deem necessary and to examine under oath any persons interested in or connected with the plan.

Within a reasonable time frame, the commissioner shall issue to the employer applicant a waiver upon finding that the employer applicant has met all requirements, or the commissioner shall notify the employer applicant of a denial, setting forth the reasons upon a finding that the employer applicant’s plan does not meet all of the requirements. An unsuccessful employer applicant may file a new application at any time.

77.12(4) Waiver period. The waiver shall be valid for a one-year period.

77.12(5) Renewal of waiver. An employer wishing to renew the employer’s waiver shall submit the following information 60 days in advance of the expiration of the waiver.

a. The most current audited financial statement of the employer.

b. The most recent statement showing premiums paid, losses paid and outstanding expenses paid by the plan.

c. The number of employees, spouses and dependents currently in the plan.

d. The number of independent contractors, spouses and dependents currently in the plan.

e. An actuarial opinion prepared, signed, and dated by a person who is a member of the American Academy of Actuaries which states that adequate premiums are being charged.

f. Any changes to the following contracts:

(1) Contracts with independent contractors.

(2) A contract(s) with the administrator(s) of the plan.

(3) An aggregate stop-loss or excess policy.

INSURANCE DIVISION[191](cont'd)

77.12(6) Renewal waiver period. A renewal waiver is valid for a one-year period.

This rule is intended to implement Iowa Code section 507A.4.

ARC 5660B**REAL ESTATE APPRAISER
EXAMINING BOARD[193F]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 543D.5, the Real Estate Appraiser Examining Board hereby gives Notice of Intended Action to amend Chapter 1, "Organization and Administration," Chapter 10, "Reciprocity," Chapter 11, "Continuing Education," and Chapter 12, "Fees," Iowa Administrative Code.

The proposed amendments to Chapter 1 update references to the Board's official address. The proposed amendment to Chapter 10 adds a reference to a form required by the Board. The proposed amendments to Chapter 11 add requirements for licensees who are in lapsed or inactive status and establish a time limit by which persons returning from active military duty must meet continuing education requirements. The proposed amendment to Chapter 12 implements the correct fee for reinstating an inactive license.

These amendments are subject to waiver or variance pursuant to 193—Chapter 5.

Consideration will be given to all written suggestions or comments on the proposed amendments received on or before February 6, 2007. Comments should be addressed to Sylvia King, Professional Licensing and Regulation Bureau, 1920 SE Hulsizer Road, Ankeny, Iowa 50021; or faxed to (515)281-7411. E-mail may be sent to sylvia.king@iowa.gov.

These amendments are intended to implement Iowa Code chapters 543D and 272C.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend subrule 1.1(2) as follows:

1.1(2) All official communications, including submissions and requests, should be addressed to the board at its official address, 1918 1920 SE Hulsizer Road, Ankeny, Iowa 50021.

ITEM 2. Amend subrule 1.6(1) as follows:

1.6(1) Any person may examine public records promulgated or maintained by the board at its office during regular business hours. The board maintains an office at 1918 1920 SE Hulsizer Road, Ankeny, Iowa 50021. The office is open during regular business hours from 8 a.m. until 4:30 p.m. Monday through Friday. The office is closed Saturdays, Sundays and official state holidays.

ITEM 3. Amend subrule 10.2(2) as follows:

10.2(2) The appraiser must register with the board and identify the property(ies) to be appraised, the name and address of the client and the estimated length of time the appraiser will be in the state and provide a copy of the appraiser's current license/certificate/registration. Registration ~~may~~ *shall be upon the appraiser's letterhead on a form provided by the board* and submitted to the board office prior to the performance of the appraisal. There is no fee to register with the board.

ITEM 4. Amend subrule 11.2(5) as follows:

11.2(5) ~~An applicant who has allowed a certificate or registration to lapse shall make the same showing as prescribed in rule 11.2(272C, 543D).~~ *Prior to reactivation of a certified general registration or a certified residential registration, a certified credential holder in inactive or lapsed status must complete all required continuing education hours that would have been required if the certified credential holder was in active status. The required hours must also include the most recent edition of a 7-hour National USPAP Update Course. Waivers may not be granted to credential holders who have failed to meet the continuing education requirements.*

ITEM 5. Amend subrule 11.2(9) as follows:

11.2(9) A person certified or registered to practice real estate appraising in Iowa shall be deemed to have complied with Iowa's continuing education requirements ~~during periods in which the person serves honorably on active duty in the military service, or for periods in which the person is a resident of another state or district having continuing education requirements for real estate appraising and meets all requirements of that state or district, or for periods in which the person is a government employee working in real estate appraising and assigned to duty outside the United States.~~ *De-ferrals may not be granted to credential holders, except in the case of persons returning from active military duty. Those persons may be placed in active status for a period of up to 180 days pending completion of all continuing education requirements.*

ITEM 6. Amend rule 193F—12.1(543D) as follows:

193F—12.1(543D) Required fees. The following fee schedule applies to certified general, certified residential and associate appraisers.

Initial examination application fee	\$ 100
Examination fee (and reexamination fee)	\$ 95
Biennial registration fee for active status:	
Certified general real property appraiser	\$ 260
Certified residential real property appraiser	\$ 260
Associate real property appraiser	\$ 150
Biennial registration fee for inactive status:	
Certified general real property appraiser	\$ 100
Certified residential real property appraiser	\$ 100
Associate real property appraiser	\$ 50
Reciprocal application fee (one-time only)	\$ 50
Reciprocal registration fee (biennial)	\$ 260
Fee to reinstate a lapsed license	\$ 150
Fee to reinstate an inactive license	
to active status	\$ 100 50
Reissuance or replacement of a lost, destroyed	
or stolen certificate or registration	\$ 50
Work product review fee	\$ 300

ARC 5655B**TRANSPORTATION
DEPARTMENT[761]****Notice of Intended Action**

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 307.10, 307.12, 321.449 and 321.450, the Department of Transportation hereby gives Notice of Intended Action to amend Chapter 520, "Regulations Applicable to Carriers," Iowa Administrative Code.

Iowa Code section 321.449 requires the Department to adopt rules consistent with the Federal Motor Carrier Safety Regulations (FMCSR) promulgated under United States Code, Title 49, and found in 49 Code of Federal Regulations (CFR), Parts 385 and 390 to 399. Iowa Code section 321.450 requires the Department to adopt rules consistent with the Federal Hazardous Materials Regulations (HMR) promulgated under United States Code, Title 49, and found in 49 CFR Parts 107, 171 to 173, 177, 178 and 180. To ensure the consistency required by statute, the Department annually adopts the specified parts of 49 CFR as adopted by the United States Department of Transportation.

Commercial vehicles transporting goods in interstate commerce are subject to the FMCSR on the effective dates specified in the Federal Register (FR). Commercial vehicles transporting hazardous materials in interstate commerce or transporting certain hazardous materials intrastate are subject to the HMR on the effective dates specified in the FR. The adoption of the federal regulations by the Department will extend the enforcement of the regulations to commercial vehicles operated intrastate unless exempted by statute.

Proposed federal regulations are published in the FR to allow a period for public comment, and, after adoption, the final regulations are again published in the FR. Each year a revised edition of 49 CFR is published, incorporating all of the final regulations adopted during the year. Although revised editions of 49 CFR are usually dated October or November, the publication is not actually available in Iowa for several months after that date.

The amendments to the FMCSR and the HMR that have become final and effective since the 2005 edition of the CFR are listed in the information below. The parts affected are followed by FR citations.

Amendments to the FMCSR and Federal HMR**Part 173 (FR Vol. 70, No. 235, Page 72930, 12-08-05)**

This CFR correction to Section 173.315 requires each pressure relief valve outlet to be provided with a protective device to prevent the entrance and accumulation of dirt and water. The device must not impede flow through the valve and must be designed to prevent the entry of foreign matter, the leakage of liquid and the development of any dangerous excess pressure.

Parts 107, 171, 172, 173, 174, 175, 176, 177, 178 and 180 (FR Vol. 70, No. 236, Page 73156, 12-09-05)

This final rule revises the definitions of "hazmat employee" and "hazmat employer"; revises the shipping paper retention requirements; provides a security plan exception for farmers; adds conditional applicability of postal laws and regulations; and replaces "exemption" with "special permit."

Parts 171, 172 and 173 (FR Vol. 71, No. 14, Page 3418, 01-23-06)

This final rule amends requirements in the HMR pertaining to the examination, testing, certification, and transportation of lighters and lighter refills.

Parts 107 and 171 (FR Vol. 71, No. 33, Page 8485, 02-17-06)

The Pipeline and Hazardous Materials Safety Administration (PHMSA) is revising its regulations to reflect revisions to the civil and criminal penalties in the Hazardous Materials Safety and Security Reauthorization Act. In addition, PHMSA is revising baseline assessments for violations related to training and security plans and making editorial changes to the list of frequently cited violations.

Parts 171, 172, 173 and 175 (FR Vol. 71, No. 55, Page 14586, 03-22-06)

This final rule amends the requirements in the HMR for the transportation of hazardous materials by aircraft.

Parts 171, 172 and 173 (FR Vol. 71, No. 79, Page 23869, 04-25-06)

This final rule amends requirements applicable to the transportation of lighter refills, and allows for immediate voluntary compliance with certain provisions. The effective date of this final rule was January 1, 2007.

Parts 171, 172, 173, and 175 (FR Vol. 71, No. 106, Page 32244, 06-02-06)

This final rule revises the transportation requirements for infectious substances, including regulated medical waste, to adopt new classification criteria, new exceptions, and packaging and hazard communication requirements consistent with revised international standards. This final rule also clarifies existing requirements to promote compliance.

Parts 107, 171, 172, 173, 178 and 180 (FR Vol. 71, No. 112, Page 33858, 06-12-06)

This final rule amends the HMR to adopt standards for the design, construction, maintenance and use of cylinders and multiple-element gas containers based on the standards contained in the United Nations Recommendations on the Transport of Dangerous Goods.

Part 393 (FR Vol. 71, No. 120, Page 35819, 06-22-06)

This final rule amends the September 27, 2002, final rule concerning protection against shifting and falling cargo for commercial motor vehicles operated in interstate commerce.

Part 171 (FR Vol. 71, No. 152, Page 44929, 08-08-06)

This final rule revises the definitions of "hazmat employee" and "hazmat employer"; modifies shipping paper retention requirements; and makes other technical corrections as required for consistency with the Hazardous Materials Safety and Security Reauthorization Act of 2005.

Parts 390 and 392 (FR Vol. 71, No. 166, Page 50862, 08-28-06)

This final rule adopts minor changes to its interim regulations published in the FR in August 2002. Since that time, enforcement officials have discovered many carriers operating without the required operating authority or beyond the scope of their authority. This final rule clarifies that operating authority means registration as required by statute and also assists state enforcement officers in identifying the correct violation and not confusing operating authority with other registration requirements.

TRANSPORTATION DEPARTMENT[761](cont'd)

Parts 173 and 180 (FR Vol. 71, No. 167, Page 51122, 08-29-06)

This final rule revises the HMR to address a known safety problem with cylinders manufactured of aluminum alloy 6351-T6 and used in self-contained underwater breathing apparatus, self-contained breathing apparatus, and oxygen services.

Parts 107, 171, 172, 173, 175, 177, 178 and 180 (FR Vol. 71, No. 178, Page 54388, 09-14-06)

This final rule corrects editorial errors, makes minor regulatory changes and improves the clarity of certain provisions in the HMR.

Parts 107, 171, 172, 173, 175, 177, 178 and 180 (FR Vol. 71, No. 182, Page 54937, 09-20-06)

This final rule makes minor editorial corrections.

Part 172 (FR Vol. 71, No. 188, Page 56894, 09-28-06)

This final rule corrects an error to an interim final rule that imposed a limited prohibition on offering for transportation and transportation of primary lithium batteries and cells as cargo aboard passenger-carrying aircraft and equipment containing or packed with large lithium batteries.

Various portions of the federal regulations and Iowa statutes allow some exceptions when the exceptions will not adversely impact the safe transportation of commodities on the nation's highways. Granting additional exceptions for drivers and the motor carrier industry in Iowa would adversely impact the safety of the traveling public in Iowa.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to the Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; fax (515)239-1639; Internet E-mail address: tracy.george@dot.iowa.gov.
5. Be received by the Office of Policy and Legislative Services no later than February 6, 2007.

A meeting to hear requested oral presentations is scheduled for Thursday, February 8, 2007, at 10 a.m. in the DOT conference room at Park Fair Mall, 100 Euclid Avenue, Des Moines, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

The proposed amendments may have an impact on small business. A request for a regulatory analysis pursuant to Iowa Code section 17A.4A must be submitted to the Office of Policy and Legislative Services at the address listed in this Notice by February 19, 2007.

These amendments are intended to implement Iowa Code chapter 321.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

Proposed rule-making actions:

ITEM 1. Amend paragraph **520.1(1)“a”** as follows:

a. Motor carrier safety regulations. The Iowa department of transportation adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385 and 390-399 (October 1, 2005 2006).

ITEM 2. Amend paragraph **520.1(1)“b”** as follows:

b. Hazardous materials regulations. The Iowa department of transportation adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, 2005 2006).

ARC 5656B

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation hereby gives Notice of Intended Action to rescind Chapter 830, “Rail Assistance Program,” and Chapter 831, “Railroad Revolving Loan Fund,” Iowa Administrative Code.

The rail assistance program and the railroad revolving loan fund program were administered by the Department. In accordance with 2005 Iowa Acts, chapter 178, sections 31 to 34, these two programs were replaced by the railroad revolving loan and grant fund program, which is administered by the Iowa Railway Finance Authority. Therefore, the Department's administrative rules governing the administration of the rail assistance program and the railroad revolving loan fund program are no longer needed and are being rescinded. The Iowa Railway Finance Authority has adopted 765—Chapter 5 to administer the railroad revolving loan and grant fund program.

This rule making does not provide for waivers. Granting waivers for obsolete rules is not appropriate.

Any person or agency may submit written comments concerning these rescissions or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to the Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; fax (515)239-1639; Internet E-mail address: julie.fitzgerald@dot.iowa.gov.
5. Be received by the Office of Policy and Legislative Services no later than February 6, 2007.

A meeting to hear requested oral presentations is scheduled for Thursday, February 8, 2007, at 10 a.m. in the Administration Building, First Floor South Conference Room, Department of Transportation, 800 Lincoln Way, Ames, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

These amendments are intended to implement Iowa Code chapter 327H.

TRANSPORTATION DEPARTMENT[761](cont'd)

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

Proposed rule-making actions:

ITEM 1. Rescind and reserve **761—Chapter 830.**

ITEM 2. Rescind and reserve **761—Chapter 831.**

NOTICE—PUBLIC FUNDS INTEREST RATES

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions James E. Forney, Superintendent of Banking Thomas B. Gronstal, and Auditor of State David A. Vaudt have established today the following rates of interest for public obligations and special assessments. The usury rate for January is 6.50%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

74A.2 Unpaid Warrants Maximum 6.0%

74A.4 Special Assessments Maximum 9.0%

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Iowa Banks

and Iowa Savings Associations as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective January 11, 2007, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days	Minimum 1.85%
32-89 days	Minimum 2.85%
90-179 days	Minimum 3.25%
180-364 days	Minimum 3.60%
One year to 397 days	Minimum 3.85%
More than 397 days	Minimum 4.75%

These are minimum rates only. The one year and less are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

ARC 5663B

ECONOMIC DEVELOPMENT, IOWA
DEPARTMENT OF[261]

Adopted and Filed Emergency

Pursuant to the authority of 2006 Iowa Acts, chapter 1142, section 34, the Iowa Department of Economic Development hereby adopts an amendment to Chapter 314, "Renewable Fuel Infrastructure Program Administration," Iowa Administrative Code.

The amendment clarifies contract length requirements and waiver requirements. The IDED Board voted on December 21, 2006, to recommend this amendment and its emergency adoption and implementation.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are impracticable because there is a need to have a rule in effect as soon as possible to avoid unnecessary project delays. Encouraging the use of renewable fuels is in the public interest and notice and public participation would delay the implementation of funded projects.

The Department also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and the amendment should be made effective upon filing with the Administrative Rules Coordinator on December 21, 2006. The Renewable Fuel Infrastructure Board (RFIB) has made 20 awards for which contracts need to be executed. The clarification regarding contract length and the waiver provision needs to be incorporated into the grant agreements. Delaying implementation of this amendment will cause a hardship on grant recipients that need to begin work on their funded projects.

This amendment is also published herein under Notice of Intended Action as **ARC 5671B** to allow for public comment.

This amendment became effective December 21, 2006.

This amendment is intended to implement 2006 Iowa Acts, chapter 1142, sections 28 to 34.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is adopted.

Amend rule 261—314.5(81GA,ch1142) as follows:

261—314.5(81GA,ch1142) Contract administration.

314.5(1) Notice of award. The department shall notify approved applicants in writing of the board's award of grants, including any conditions and terms of the approval.

314.5(2) Contract required. The board shall direct the department to prepare a cost-share agreement which shall include terms and conditions of the grant established by the board. The agreement will:

- Describe the project in sufficient detail to demonstrate the eligibility of the project.
- State the total cost of the project expressed in a project budget included in sufficient detail to meet the requirements of the infrastructure board.
- State the project completion deadline.
- State the project completion requirements which are preconditions for payment of the grant by the board.
- Recite the penalty for the storage or dispensing, within the stated time frame of ~~three~~ five years from submission of

verified documentation of project completion, of motor fuel other than the type of renewable fuel for which the grant was awarded.

314.5(3) Repayment penalty for nonexclusive renewable fuel use. In the absence of a waiver from the board, the department may impose a civil penalty for a grantee's use of infrastructure equipment for which a grant was awarded, for the storage or dispensing, within the time frame stated in the agreement, of motor fuel other than the type of renewable fuel for which the grant was awarded.

314.5(4) Duration of grant agreement; repayment or board waiver.

a. *The duration of a cost-share grant agreement shall be five years from the date of submission of verified documentation of project completion.*

b. *Grantees shall not use the infrastructure to store and dispense motor fuel other than the type approved by the board, unless one of the following applies: (1) the grantee is granted a waiver by the board, or (2) the grantee pays back the moneys awarded with an additional 25 percent penalty. A grant recipient seeking a waiver during the time period in which a cost-share agreement is in effect shall submit a written waiver request to the board. The board hereby grants a waiver of the obligation to repay grant funds plus any penalty to all grant recipients that satisfy the terms and conditions of their cost-share grant agreements, including, but not limited to, the five-year exclusive use of renewable fuel requirement.*

[Filed Emergency 12/21/06, effective 12/21/06]

[Published 1/17/07]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/17/07.

ARC 5667B

INSURANCE DIVISION[191]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code sections 505.8 and 508.36, the Insurance Division hereby adopts new Chapter 94, "Preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities," Iowa Administrative Code.

The purpose of the new rules is to recognize, permit and prescribe the use of mortality tables that reflect differences in mortality between preferred and standard lives in determining minimum reserve liabilities. Iowa Code section 508.36 authorizes the Insurance Commissioner to adopt any mortality table adopted by the National Association of Insurance Commissioners (NAIC). The NAIC adopted the 2001 CSO Preferred Class Structure Mortality Table at its September 2006 national meeting. The rules allow insurers to substitute the 2001 CSO Preferred Class Structure Mortality Table in place of the 2001 CSO Smoker or Nonsmoker Mortality Table as the minimum valuation standard for policies issued on or after January 1, 2007.

Notice of Intended Action was published in the November 22, 2006, Iowa Administrative Bulletin as **ARC 5550B**.

A public hearing was held on December 13, 2006, at 10 a.m. in the offices of the Iowa Insurance Division, 330 Maple Street, Des Moines, Iowa. Comments in support of the new rules were received; no comments were received in opposition to the rules. These rules are identical to those published under Notice of Intended Action.

INSURANCE DIVISION[191](cont'd)

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Commissioner finds that the normal effective date of these rules should be waived and these rules be made effective January 1, 2007, as the Commissioner finds that these amendments confer a benefit on the public by providing a new alternative to insurers that may result in a lower cost of insurance for some consumers.

These rules are intended to implement Iowa Code section 508.36.

These rules became effective January 1, 2007.

The following new chapter is adopted.

CHAPTER 94

PREFERRED MORTALITY TABLES FOR USE IN DETERMINING MINIMUM RESERVE LIABILITIES

191—94.1(508) Purpose. The purpose of this chapter is to recognize, permit and prescribe the use of mortality tables that reflect the differences in mortality between preferred and standard lives in determining minimum reserve liabilities in accordance with Iowa Code section 508.36 and 191—Chapter 47.

191—94.2(508) Definitions. For purposes of this chapter, the following definitions shall apply:

“2001 CSO Mortality Table” means that mortality table consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the National Association of Insurance Commissioners in December 2002 and by the commissioner pursuant to 191—Chapter 91. The 2001 CSO Mortality Table is included in the Proceedings of the NAIC (2nd Quarter 2002) and supplemented by the 2001 CSO Preferred Class Structure Mortality Table. Unless the context indicates otherwise, the “2001 CSO Mortality Table” includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables. Mortality tables in the 2001 CSO Mortality Table include the following:

1. “2001 CSO Mortality Table (F)” means that mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table.

2. “2001 CSO Mortality Table (M)” means that mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table.

“2001 CSO Preferred Class Structure Mortality Table” means mortality tables with separate rates of mortality for super preferred nonsmoker, preferred nonsmoker, residual standard nonsmoker, preferred smoker, and residual standard smoker splits of the 2001 CSO nonsmoker and smoker tables as adopted by the National Association of Insurance Commissioners at the September 2006 national meeting and published in the NAIC Proceedings (3rd Quarter 2006). Unless the context indicates otherwise, the “2001 CSO Preferred Class Structure Mortality Table” includes both the ultimate form of that table and the select and ultimate form of that table. It also includes both the smoker and nonsmoker mortality tables, both the male and female mortality tables, the gender composite mortality tables, and both the age-nearest-birthday and age-last-birthday bases of the mortality tables.

“Composite mortality tables” means mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers.

“Smoker and nonsmoker mortality tables” means mortality tables with separate rates of mortality for smokers and nonsmokers.

“Statistical agent” means an entity with proven systems for protecting the confidentiality of individual insured and insurer information, with the demonstrated resources for and a history of ongoing electronic communications and data transfer ensuring data integrity for insurer members or subscribers, and with a history of and the means for aggregation of data and accurate promulgation of experience modifications in a timely manner.

191—94.3(508) 2001 CSO Preferred Class Structure Mortality Table. At the election of the company, for each calendar year of issue, for any one or more specified plans of insurance and subject to the conditions stated in this chapter, the 2001 CSO Preferred Class Structure Mortality Table may be substituted in place of the 2001 CSO Smoker or Nonsmoker Mortality Table as the minimum valuation standard for policies issued on or after January 1, 2007. No such election shall be made until the company demonstrates that at least 20 percent of the business to be valued using this table is in one or more of the preferred classes. A table from the 2001 CSO Preferred Class Structure Mortality Table used in place of a 2001 CSO Mortality Table, pursuant to the requirements of this rule, will be treated as part of the 2001 CSO Mortality Table for purposes of reserve valuation only, pursuant to the requirements of the National Association of Insurance Commissioners’ model regulation, “Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits Model Regulation.”

191—94.4(508) Conditions.

94.4(1) For each plan of insurance with separate rates for preferred and standard nonsmoker lives, an insurer may use the super preferred nonsmoker, preferred nonsmoker, and residual standard nonsmoker tables to substitute for the nonsmoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, except for business valued pursuant to the residual standard nonsmoker table, the appointed actuary shall certify that:

a. The present value of death benefits over the next ten years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class.

b. The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class.

94.4(2) For each plan of insurance with separate rates for preferred and standard smoker lives, an insurer may use the preferred smoker and residual standard smoker tables to substitute for the smoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, for business valued under the preferred smoker table, the appointed actuary shall certify that:

a. The present value of death benefits over the next ten years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement

INSURANCE DIVISION[191](cont'd)

beyond the valuation date for each class, is less than the present value of death benefits using the preferred smoker valuation basic table corresponding to the valuation table being used for that class.

b. The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the preferred smoker valuation basic table corresponding to the valuation table being used for that class.

94.4(3) Unless exempted by the commissioner, every authorized insurer using the 2001 CSO Preferred Class Structure Mortality Table shall annually file with the commissioner, with the National Association of Insurance Commissioners, or with a statistical agent designated by the National Association of Insurance Commissioners and acceptable to the commissioner, statistical reports showing mortality and such other information as the commissioner may deem necessary or expedient for the administration of the provisions of this chapter. The form of the reports shall be established by the commissioner, or the commissioner may require the use of a form established by the National Association of Insurance Commissioners or by a statistical agent designated by the National Association of Insurance Commissioners and acceptable to the commissioner.

191—94.5(508) Separability. If any provision of this chapter or its application to any person or circumstance is for any reason held to be invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected.

These rules are intended to implement Iowa Code sections 505.8 and 508.36.

[Filed Emergency After Notice 12/27/06, effective 1/1/07]
[Published 1/17/07]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/17/07.

ARC 5670B**IOWA FINANCE AUTHORITY[265]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code sections 17A.3(1)"b" and 16.5(17), and 2006 Iowa Acts, chapter 1179, section 63, the Iowa Finance Authority hereby amends Chapter 28, "Wastewater Treatment Financial Assistance Program," Iowa Administrative Code.

The purpose of this amendment is to correct the definition of the term "community" in rule 265—28.2(81GA,HF2782). As stated in the preamble of the rule making that adopted

Chapter 28, the phrase "or corporation" was to have been stricken from the definition of "community" in rule 265—28.2(81GA,HF2782). The phrase, however, was inadvertently retained when the final adoption was submitted for publication in the Iowa Administrative Bulletin. That rule making was published November 22, 2006, and became effective December 27, 2006 (see **ARC 5548B**, IAB 11/22/06).

The Authority does not intend to grant waivers under Chapter 28, other than as may be allowed under the Authority's general rules concerning waivers.

Pursuant to Iowa Code section 17A.4(2), the Authority finds that notice and public participation are impracticable and contrary to the public interest in that the Authority previously stated, in the preamble of the rule making that adopted Chapter 28, that the phrase "or corporation" was to have been stricken from the definition of "community." This amendment merely effectuates that intended revision, and avoids undue confusion or delay.

The Authority finds that this amendment confers a benefit on the persons affected, small communities in need of financial assistance with wastewater treatment facilities, in that the amendment brings the definition of "community" into conformance with the Authority's intent as stated in the preamble of the rule making that adopted Chapter 28, avoids confusion, and eases and speeds the administration of an important state program benefiting numerous small communities. The Authority finds that this amendment should be implemented as soon as feasible in order to facilitate the making of loans under the program. Therefore, this amendment is filed pursuant to Iowa Code section 17A.5(2)"b"(2), and the normal effective date of this amendment is waived.

The Authority adopted this amendment on December 6, 2006.

This amendment became effective December 27, 2006.

This amendment is intended to implement Iowa Code section 16.5(17) and 2006 Iowa Acts, chapter 1179, section 63.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is adopted.

Amend rule **265—28.2(81GA,HF2782)**, definition of "community," as follows:

"Community" means a city, county, sanitary district, rural water district, or other governmental body ~~or corporation~~ empowered to provide sewage collection and treatment services in connection with a project.

[Filed Emergency 12/27/06, effective 12/27/06]
[Published 1/17/07]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/17/07.

ARC 5659B**MEDICAL EXAMINERS
BOARD[653]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 147.76 and 272C.3, the Board of Medical Examiners hereby amends Chapter 9, "Permanent Physician Licensure," Chapter 10, "Resident, Special and Temporary Physician Licensure," and Chapter 11, "Continuing Education and Mandatory Training for Identifying and Reporting Abuse," Iowa Administrative Code.

The amendments update the definitions of the American Board of Medical Specialties (ABMS) and the American Osteopathic Association (AOA) and allow specialty board certification or recertification under ABMS or AOA to serve as an equivalent to 50 hours of category 1 activity for purposes of license renewal.

The Board adopted the amendments in a teleconference meeting on December 14, 2006.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on November 8, 2006, as **ARC 5513B**. The Board received no public comment. These amendments are identical to those published under Notice of Intended Action.

These amendments shall become effective on February 21, 2007.

These amendments are intended to implement Iowa Code section 272C.2.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [9.1, 10.1, 11.1, 11.2(2)] is being omitted. These amendments are identical to those published under Notices as **ARC 5513B**, IAB 11/8/06.

[Filed 12/14/06, effective 2/21/07]

[Published 1/17/07]

[For replacement pages for IAC, see IAC Supplement 1/17/07.]

ARC 5658B**MEDICAL EXAMINERS
BOARD[653]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 147.76 and 272C.3, the Board of Medical Examiners hereby amends Chapter 10, "Resident, Special and Temporary Physician Licensure," and Chapter 17, "Licensure of Acupuncturists," Iowa Administrative Code.

The amendments set the passing score at 79 for the Internet-based version of the test of English proficiency, the examination used to evaluate English proficiency of international graduates who are applying for an M.D., D.O., or acupuncture license.

The Board adopted the amendments in a teleconference meeting on December 14, 2006.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on November 8,

2006, as **ARC 5512B**. The Board received no public comment. These amendments are identical to those published under Notice of Intended Action.

These amendments shall become effective on February 21, 2007.

These amendments are intended to implement Iowa Code section 272C.2.

The following amendments are adopted.

ITEM 1. Amend subrule **10.4(3)**, paragraph "a," subparagraph (4), as follows:

(4) Demonstrate proficiency in English by providing a valid ECFMG certificate or verification of a passing score on the TSE, the Test of Spoken English, or TOEFL, the Test of English as a Foreign Language, examinations administered by the Educational Testing Service. A passing score on TSE is a minimum of 50. A passing score on TOEFL is a minimum overall score of 550 on the paper-based TOEFL that was administered on a Friday or Saturday (formerly special or international administration), or a minimum overall score of 213 on the computer-administered TOEFL, *or a minimum overall score of 79 on the Internet-based examination*;

ITEM 2. Amend subrule **17.4(1)**, paragraph "c," subparagraph (2), as follows:

(2) An applicant who passed NCCAOM written or practical examination components in a language other than English shall pass the Test of Spoken English (TSE) or the Test of English as a Foreign Language (TOEFL) examinations administered by the Educational Testing Service. A passing score on TSE is a minimum of 50. A passing score on TOEFL is a minimum overall score of 550 on the paper-based TOEFL that was administered on a Friday or Saturday (formerly special or international administration), or a minimum overall score of 213 on the computer-administered TOEFL, *or a minimum overall score of 79 on the Internet-based examination*.

[Filed 12/14/06, effective 2/21/07]

[Published 1/17/07]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/17/07.

ARC 5657B**MEDICAL EXAMINERS
BOARD[653]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 147.76, 148E.7, 272C.3, and 272C.4, the Board of Medical Examiners hereby amends Chapter 23, "Grounds for Discipline," Iowa Administrative Code.

"Grounds for Discipline," formerly in Chapter 12, was moved to Chapter 23 on August 23, 2006. A ground for discipline, that the Board may take action if a licensee fails to complete the fingerprint process, was inadvertently omitted from the transition from Chapter 12 to the new Chapter 23, and this amendment adds it to the grounds for discipline in Chapter 23.

The Board adopted the amendment in a teleconference meeting on December 14, 2006.

Notice of Intended Action on this amendment was published in the Iowa Administrative Bulletin on November 8, 2006, as **ARC 5511B**. The Board received no public com-

MEDICAL EXAMINERS BOARD[653](cont'd)

ment. This amendment is identical to that published under Notice of Intended Action.

This amendment is intended to implement Iowa Code chapters 17A, 147, 148, 148E and 272C.

This amendment shall become effective on February 21, 2007.

The following amendment is adopted.

Add **new** subrule 23.1(37) as follows:

23.1(37) Failure to submit an additional completed fingerprint card and applicable fee, within 30 days of a request made by board staff, when a previous fingerprint submission has been determined to be unacceptable.

[Filed 12/14/06, effective 2/21/07]

[Published 1/17/07]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/17/07.

ARC 5669B**PUBLIC SAFETY
DEPARTMENT[661]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 101.1, the State Fire Marshal hereby amends Chapter 51, "Flammable and Combustible Liquids," Iowa Administrative Code.

Iowa Code chapter 101 charges the State Fire Marshal with establishing standards for the transportation, storage, handling, and use of flammable liquids, liquefied petroleum gases, and liquefied natural gases. Rules covering all of these subjects are contained in 661—Chapter 51 of the Iowa Administrative Code.

The rules adopted herein address two issues: stationary storage of petroleum products using tank vehicles; and the deadline for using dispensing equipment for ethanol blend fuels which are not approved by an independent testing laboratory for that use. A general update of the rules regarding flammable and combustible liquids is anticipated to take place in a separate rule making within the next few months, but these issues require timely attention.

The use of tank vehicles and tank cars for stationary storage of flammable liquids creates a hazard of fire or explosion. The amendment to rule 661—51.200(101) contained in Item 1 clarifies that tank vehicles and tank cars may not be used in lieu of storage tanks for storage of flammable liquids.

Subrule 51.202(1) establishes the requirements for dispensing of motor vehicle fuel. The subrule currently allows for the use of dispensing equipment for ethanol blend fuel (E-85) which has not been "listed" (approved for a specific use) by an independent testing laboratory, provided that certain conditions are met. The subrule currently allows for this exception to the national standard (which does require the use of listed equipment) until July 1, 2007. The Iowa General Assembly recently enacted 2006 Iowa Acts, House File 2754, which provides that use of nonlisted dispensing equipment will be permitted until July 1, 2009, provided that certain conditions are met. The amendment in Item 2 changes the deadline for use of nonlisted dispensing equipment to comply with the statute.

These amendments were proposed in a Notice of Intended Action published in the Iowa Administrative Bulletin on October 25, 2006, as **ARC 5501B**. A public hearing on the proposed amendments was held on November 16, 2006. No comments on the proposed amendments were received at the public hearing or otherwise, although one inquiry regarding the scope of the proposed amendments was received. The amendments adopted herein are identical to those proposed under Notice of Intended Action.

These amendments will become effective on March 1, 2007.

These amendments are intended to implement Iowa Code chapter 101.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [51.200, 51.202(1)] is being omitted. These amendments are identical to those published under Notice as **ARC 5501B**, IAB 10/25/06.

[Filed 12/27/06, effective 3/1/07]

[Published 1/17/07]

[For replacement pages for IAC, see IAC Supplement 1/17/07.]

IOWA ADMINISTRATIVE BULLETIN
Customer Service Center
Department of Administrative Services
Hoover State Office Building, Level A
Des Moines, Iowa 50319

PRSRT STD
U.S. Postage
PAID
Des Moines, Iowa
Permit No. 1195